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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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12/29/2005

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6141

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EXAMINER

LAU, JONATHAN S

ART UNIT

PAPER NUMBER

1623

NOTIFICATION DATE

DELIVERY MODE

12/03/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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PATENTS@BELLBOYD.COM

ADVISORY ACTION

Applicant's proposed amendment AFTER FINAL, filed 18 Nov 2008, if entered would overcome the rejection of claim 4 under 35 U.S.C. 112, first paragraph for not reasonably providing enablement for the scope of the claim because proposed amended claim 4 would not recite preventing dyslipidemia.

Continuation of 3.

Applicant's proposed amendment AFTER FINAL, filed 18 Nov 2008, raises new issues that would require further consideration and/or search because the proposed amendment changes the scope and breadth of independent claims 1 and 5. Dependent claims 3 and 4 and dependent claim 6 depend from independent claims 1 and 5, respectively, and incorporate all limitations therein, including changes to the scope and breadth of the claim.

Continuation of 10.

Applicant's Remarks, filed 18 Nov 2008, have been fully considered and not found to be persuasive.

Applicant again remarks that the invention of Lapre is drawn to the effect of a coating on a core carbohydrate product's glycemic response. As recited in the Office Action mailed 18 July 2008, the scope of the instantly claimed method for treating insulin resistance is broadly interpreted to encompass the method of treating diabetes

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disclosed in Lapre (column 7, lines 10-11) by slowing the rate of glucose release from digestion of the food product of Lapre.

Applicant remarks regarding limitations found in the proposed amendment are not persuasive because the proposed amendment is not entered for reasons detailed above.

/Shaojia Anna Jiang/

Supervisory Patent Examiner, Art Unit 1623